



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/110,103 | 07/01/1998 | MICHAEL C. POWERS | 019143.0272 | 4295 |

7590 08/23/2004

TERRY J STALFORD
BAKER & BOTTS
2001 ROSS AVENUE
DALLAS, TX 752012980

EXAMINER

IRSHADULLAH, M

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3623

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/110,103

Applicant(s)

POWERS ET AL.

Examiner

M. Irshadullah

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 24, 2004 has been entered.

2. This communication is in response to the amendment filed March 24, 2004.

Summary Of Instant Office Action

3. Applicant's arguments regarding claims 1-17 rejection, Office Action mailed February 03, 2004 have been fully considered and are responded below.

4. Amendments to claims 1, 7 and 17 have been entered.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janovski et al (US Patent 5,726,914) in view of Eitel et al (US Patent 5,933,828).⁸ Janovski et al teach:

Claim 1. A computer-implementable method for importing external productivity data into a performance evaluation system, comprising:

a) storing a plurality of user-defined data elements for an evaluation process (Col. 4, lines 5-37 recited with col. 1, lines 9-10 and Table1), wherein “The prompts requesting the user to supply and user inputting requisite data in the configuration table, lines 5-7, inferring “data items are defined by the user {user-defined data}” and reference relating to performance analysis or evaluation procedure or process as indicated by steps of “data gathering-line 31”, “transferring gathered data into performance-lines 31-32”, “determining levels of performance-lines 35-37” etc., which a user would use for analyzing or evaluating said a number or plurality of user entered or defined data as depicted in rows and columns of cited Table 1);

c) mapping external productivity data items from the third party data file to the data elements based on the configuration table (Col. 4, line 7, col. 9, lines 32-40, wherein above discussed “storing” inferring “mapping”, since in computers data or data elements are stored or mapped in computer memory or database in an area or address or space specified for that data or data element. See discussion about “external productivity data or data elements or items”, “third party data file” in 1b) below. Moreover, a user would use “storing or mapping” function for storing or mapping

forementioned data elements or items belonging to above discussed third party data file in accordance with above discussed configuration table);

d) inserting the external productivity data items into a plurality of productivity tables based on the mapping of the external productivity data items to the data elements, the external productivity data items inserted into the productivity tables capable of being used to calculate productivity scores for the evaluation process (Fig. 2, described col. 3, lines 55-62, wherein "gathering and storing" performance data {or as discussed above, external productivity} into configuration table {col. 3, lines 61-62} inferring "inserting", said gathering and storing {or inserting} is performed in accordance with {based on} mapping discussed in the previous element or step, "circuit 114 configuring configuration table- or a list of parameters" indicating inserting said data elements or items into tabular format or tables, and the stored {or inserted} data is used by above discussed "performance analysis or evaluation process" to producing performance, such as calls resolved, percentages {productivity scores}, col. 7, lines 26-28 and Figs. 8-11); and

In the following element:

b) storing a user-defined configuration table for a third party data file generated by a third-party application, the third party data file comprising external productivity data, the configuration table associating external productivity items in the third party data file with the user defined data elements.

Janovski et al teach:

storing a user-defined configuration table for a third party data file, the third party data file comprising external productivity data, the configuration table associating external productivity items in the third party data file with the user defined data elements (Table 1, Col. 4, lines 23-24 read with lines 2-7, col. 9, line 36 through col. 10, line 46, wherein "Table 1" representing "configuration table" and as discussed above "entering or defining data items of Table1 by the user" is indeed "defining the configuration Table 1 itself", since the table becomes useable after user enters {or defines} said data items in it (Col. 4, lines 26-49), citation of "coupling data collection circuit 122 to distributed computer systems for supplying necessary data-col. 9, lines 36-40", indicating reference's teaching its functioning as networked system connected to various other computers within or outside the reference system as shown in Fig. 3, described col. 9, lines 46-60; reference gathering or retrieving or importing data, col. 9, lines 46-48, through "other types of circuit systems-lines 58-60" pointing to LAN, WAN, Intranet, Internet etc.. The outside computers or devices representing "third party" computers or devices, comprising circuit 124 through which 122 collecting or importing or retrieving data relating to a circuit {making} factory customers-col. 9, lines 48-50, circuit 126 through which 122 collecting, importing or retrieving customer data relating to maintenance of a system-col. 9, lines 51-52, circuit 128 via which 122 collecting or retrieving or importing customer data in respect of time and attendance-col. 9, lines 52-55, circuit 125 via which 122 importing or collecting or retrieving customer data in respect of accounting-col. 9, lines 57-58 and circuit 123 through which 122 collects or

imports or retrieves data about production of a factory-col. 9, lines 55-56, also exemplified in Fig. 12, described col. 9, line 66 through col. 10, line 23. The foregoing discussion clearly indicating the reference system's teachingv communicating {sending and receiving or importing or retrieving} data or data file {in database jargon, data are stored in some format including file, table or list format} which is external since data or data file are coming from entities, devices or sources outside or external {third party} to the reference system. The data or data file coming or importing from above discussed outside computers, devices or sources relating to various works performed, such as "calls made by the customer and returned to the customer, col. 9, lines 32-36, data relating to customer or worker working in a circuit making factory, customer or worker data relating to workers working in production factory etc." clearly indicating "productivity or external productivity data" of people and/or machines functioning in customer service and other places. Furthermore, recitation of "circuit 134 receiving records, associating them with review data and converting them into bar graph-col. 10, lines 44-46" clearly indicating the availability of "associating" function which a user would use for claimed purpose. Moreover, graphing in itself indicating provision of a function for "associating" two or more values or data elements relating to or coming from various sources including above discussed external productivity data items in third party data file and user defined data elements).

Janovski et al do not explicitly teach:

{using} third party application {for generating above discussed third party data file}.

However, Eitel et al teach the same (Col. 5, lines 11-16, wherein data files in database 40 are created or generated by employing or calling up third part software tool 42).

While Janovski et al provide a computer implemented process for performance analysis through applications in a library or database, Eitel et al teach employing third party software application for creating data files in a database.

It would have been obvious to one of ordinary skill in the relevant art at the time of Applicant's invention to incorporate Eitel et al's feature into Janovski et al's invention, thereby providing a practical, cost-effective database system which is compatible with off the shelf or third party software.

Claim 2. The method of Claim 1, the configuration table further operable to associate a data item with a member of the performance evaluation system (Col. 4, lines 26-28, wherein Table 1 is a "configuration table" and depicts requisite correspondence {or association} of various data items {24 hour 100%} with member {backlog}, col. 5, lines 25-28).

Claim 3. The method of Claim 1, wherein the third party data file is a delimited file (Table 1, wherein spaces between data items or elements are delimiters; i.e., Table 1 shows "delimited file" and see discussion about "third party" in Applicant's claim 1b) above).

Claim 4. The method of Claim 1, wherein the third party data file is not a delimited file and further comprising:

a) storing a preprocessor file operable to generate a delimited file from the third party data file (Col. 4, lines 23-24 and 26-29, wherein cited Table 1 comprising algorithm, such as "Backlog-col. 9, line 19", is a "processor file" and when executed produces a delimited table {or file}, col. 6, lines 19-24 read with lines 28-29 and col. 3, lines 32-34, and see discussion about "third party" in Applicant's claim 1b) above); and

b) using the preprocessor file to generate the delimited file from the third party data file (See discussion in a) above, and see discussion about "third party" in Applicant's claim 1b) above).

Claim 5. The method of Claim 1, further comprising the configuration table operable to identify a type for each of the data items (Col. 4, lines 42-49, wherein "identifying algorithm" and "categorizing" gathered customer data inferring the claimed feature, and see discussion about "third party" in Applicant's claim 1b) above).

Claim 6. The method of Claim 1, further comprising the configuration table operable to identify a format for each of the data items (Col. 4, lines 42-49, wherein "converting" and categorizing" customer data infer "identifying the format of data elements (or items)" so that said data element is converted and then placed into requisite category, and see discussion about "third party" in Applicant's claim 1b) above).

Claim 7. A computer- implementable performance evaluation system, comprising:

a) a first database table operable to store a plurality of user-defined data elements for an evaluation process (Col. 4, lines 23-24 and Fig. 2 {116}, wherein table database 116 representing first database and see the discussion about “user-defined data items or elements” and “evaluation process” in claim 1a) above);

b) a second database table operable to store configuration information for importing a third party data file comprising external productivity data into the performance evaluation system, the data file generated by a third-party application, and the configuration information associating external productivity data items in the third party data file with user defined data elements (Fig. 2 {113}, col. 3, lines 55-58, wherein “library 113” is another or “second database or database table” and see the discussion about “configuration table comprising configuration data or information”, “third party data file”, “third party application”, “external productivity data” and “associating third party data file elements or items and used defined data element or items” in Applicant’s claim 1b) above).

c) a third database table operable to store productivity data, at least a portion of the productivity data comprising external productivity data items inserted into the third database table based on the mapping of the external productivity data items to the data elements, the productivity data capable of being used to calculate productivity scores for the evaluation process (Col. 6, lines 43-51, wherein “storing callback status in a callback

metric" infers the provision of one more storing table {or third database table} and see the discussion of Applicant's claims 1c) and 1d) above);

Claim 8. The performance evaluation system of Claim 7, further comprising a configuration including the configuration information and an identifier for associating a data item to a member of the performance evaluation system (See the discussion of claim 2 above).

Claim 9. The method of Claim 1, further comprising receiving the third party data file from an external device (Col. 9, lines 36-40, wherein "122 coupled to another computer, specifically 'a distributed system'" inferring Janovski et al system's capability of communicating {sending, retrieving, importing or receiving}, data {or data file from outside or external} machines {or devices}, and see discussion about "third party" in Applicant's claim 1b) above),

Claim 10. The method of Claim 9, wherein the external device comprises a telephony switch (Col. 9, lines 36-40, wherein "122 coupled to another computer", wherein cited "another computer" encompasses a device having the configuration and capability of or coupled to a computer including "telephony switch" with said qualification).

Claim 11. The system of Claim 7, wherein the third party data file is a delimited file (See discussion of claim 3 above, and see discussion about "third party" in Applicant's claim 1b) above).

Claim 12. The system of Claim 7, wherein the third party data file is not a delimited file and further comprising a preprocessor file operable to generate a delimited file from the data file (See discussion of claim 4b) above, and see discussion about "third party" in Applicant's claim 1b) above).

Claim 13. The system of Claim 7, the configuration information operable to identify a type for each of the data items (See discussion of Applicant's claim 5 above).

Claim 14. The system of Claim 7, the configuration information operable to identify a format for each of the data items (See discussion of Applicant's claim 6 above).

Claim 15. The system of Claim 7, wherein the third party data file is received from an external device (See discussion of claim 9 above, and see discussion about "third party" in Applicant's claim 1b) above).

Claim 16. The system of Claim 15, wherein the external device comprises a telephony switch (See discussion of Applicant's claim 10 above).

Claim 17. (Amended) A computer-implementable method for importing external productivity data into a performance evaluation system, comprising:

a) storing a plurality of user-defined data elements for an evaluation process
(See discussion of Applicant's claim 1a) above);

b) storing a user-defined configuration table for a third party data file generated by a third-party application, the third part data file comprising external productivity data, the configuration table associating external productivity data items in the third party data file with the user defined data elements and operable to associate a data item with a member of the performance evaluation system, to identify a type for each of the data items, and to identify a format for each of the data items (See discussions of Applicant's claims 1b, 2, 5 and 6 above);

c) receiving the third party data file from an external device, the external device comprising a telephony switch (See discussion of Applicant's claims 9 and 10 above);

d) mapping external productivity data items from the third party data file to the data elements based on the configuration table (See discussion of Applicant's claim 1c) above); and

e) inserting the external productivity data items into a plurality of productivity tables based on the mapping of the external productivity data items to the data elements, the external productivity data items inserted into the productivity tables capable of being used to calculate productivity scores for the evaluation process (See discussion of Applicant's claim 1d) above).

Response to Arguments


7. Applicant's arguments filed March 24, 2004 have been fully considered and are moot in view of the new ground of rejection.

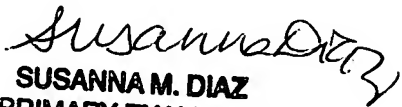
Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Irshadullah whose telephone number is 703-308-6683. The examiner can normally be reached on 10:00 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 703-305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


M. Irshadullah
August 01, 2004


SUSANNA M. DIAZ
PRIMARY EXAMINER
AU 3623